

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

DEC - 1 2000

*Robert M. March*  
CLERK

ROBERT STARKS,

Plaintiff,

vs.

CV 98 00630 JC/WWD-ACE

RANDOLPH "DUKE" WHITE, WILLIAM LOGAN,  
DAVE CORDOVA, AND OTHER UNKNOWN AND  
SIMILARLY SITUATED PERSONS ACTING IN  
CONCERT WITH THE ABOVE NAMED PARTIES,

Defendants.

**PLAINTIFF-COUNTERDEFENDANT ROBERT STARKS'  
AND RANDOLPH "DUKE" WHITE'S UNCONTESTED  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Plaintiff-Counterdefendant Robert Starks ("Plaintiff Robert Starks"), by and through the undersigned counsel, and Defendant Randolph "Duke" White, *Pro se*, submit the following Uncontested Findings of Fact and Conclusions of Law.

The parties agree to the following facts listed separately below:

**Findings of Fact**

1. Plaintiff Robert Starks, is a resident of Texas.
2. Defendant White is a resident of Colorado.
3. Plaintiff Starks purchased Ute Mountain Ranch on January 5, 1995. A Warranty

Deed vested Plaintiff Starks with title to the Ranch and was recorded at Book A-253, pages 753-757

on January 11, 1995 in the records of the Taos County Clerk. Prior to his purchase, the only boundary of the Ranch which was fenced was the southwestern boundary which is contiguous with Federal Defendant's land. The remainder of the Ranch was open, undeveloped land.

4. Defendant White has never paid taxes on the Ranch.

5. The Ranch is a portion of the Sangre de Cristo Land Grant.

6. The Plaintiff is a successor to the Ranch's title by purchase and grant from Charles Beaubien and his successors.

7. There are no roads maintained by any public body within the Ranch boundaries.

8. Defendant White cut the fence on the Ute Mountain Ranch northern boundary on July 1, 1996 and July 4, 1997.

9. Defendant White intends to go on the land again and may cut the fence again.

10. Defendant White and others intend not to be stopped from entering roads on the Ranch, will remove the fence, and will resist anyone who tries to stop him and others.

11. Defendant White is not an enrolled member of a federally recognized American Indian Tribe.

12. The Plaintiff has continuously blocked the Old Road, The Horse Shoe Road, and the Rio Costilla Road since July of 1996 and has continuously sought to create a barricade to prevent the defendant and the public from using these roads to travel to the Rio Grande Scenic Easement at Ute Mountain

13. Plaintiff has denied the Defendant access to the ceremonial sites of the Native American church at Ute Mountain Ranch since July 1996.

**Conclusions of Law**

1. This Court has jurisdiction over the subject matter herein pursuant to 28 U.S.C. §§ 1332(a) and 1391.
2. This Court has personal jurisdiction over all parties.

Respectfully submitted,

*telephonically approved*

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no response received as of filing date  
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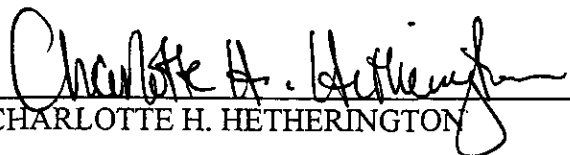
**CERTIFICATE OF SERVICE**

I hereby certify that I did on this 1<sup>st</sup> day of December, 2000 cause a true and correct copy of the foregoing pleading to be mailed, first class mail, postage prepaid to the following counsel of record and by first class mail and certified, return receipt requested, postage prepaid to *pro se* parties:

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